

Directions of Hon'ble Supreme Court of India in the matter of 'Period of Limitation' considering extraordinary situation caused by the sudden and second outburst of COVID-19 Virus.

Government of Maharashtra
Law and Judiciary Department
Government Circular No. 143-2021/Misc/E
Hutatma Rajguru Chowk, Madam Cama Road,
Mantralaya, Mumbai-400 032.
Date: 27th May, 2021

Ref: Communication dated 7th May, 2021 received from the Registrar (Legal & Research),
High Court, Appellate Side, Bombay.

Please Read: Order dated 27th April, 2021 passed by the Hon'ble Supreme
Court of India in Misc. Application No. 665/2021 in Suo Motu
Writ Petition (Civil) No. 3/2020

CIRCULAR

Hon'ble the Supreme Court had taken Suo Motu cognizance of the situation arising out of the challenge faced by the country on account of Covid-19 Virus and resultant difficulties that could be faced by the litigants across country in Suo Motu Writ Petition (Civil) No. 3/2021. In view of the same, Hon'ble Supreme Court vide its order dated 23rd March, 2020 directed that the period of limitation in filing petitions/applications/ Suits/appeals/ all other proceedings, irrespective of the period of limitation under the general or special laws, shall stand extended with effect from 15th March, 2020 till further orders.

Later, noticing that the country is returning to normalcy and since all the Courts and Tribunals have started functioning either physically or by virtual mode, extension of limitation was regulated and brought to an end by Hon'ble the Supreme Court vide order dated 8th March, 2021.

Now, vide order dated 27th April, 2021, Hon'ble the Supreme Court has considered the extraordinary situation caused by the sudden and second outburst of COVID-19 Virus, and restored the order dated 23rd March, 2020 considering that the situation requires extraordinary measures to minimize the hardship of litigant-public in all states. Hon'ble Supreme Court while restoring the order dated 23rd March, 2020 and in continuation of the order dated 8th March, 2021 passed certain directions in the matter. Relevant portion of the order reproduced below:-

....We, therefore, restore the order dated 23rd March, 2020 and in continuation of the order dated 8th March, 2021 direct that the period(s) of limitation, as prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings, whether condonable or not, shall stand extended till further orders.

It is further clarified that the period from 14th March, 2021 till further orders shall also stand excluded in computing the periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings.

We have passed this order in exercise of our powers under Article 142 read with Article 141 of the Constitution of India. Hence it shall be a binding order within the meaning of Article 141 on all Courts/Tribunals and Authorities.

In view of the above, all the concerned are requested to take note of the directions of the Hon'ble Supreme Court of India. The aforesaid directions be also brought to the notice of the offices under the administrative control of all the concerned.

This Government Circular of Maharashtra Government is available at the website www.maharashtra.gov.in. Reference no. for this is 202105281400279512. This order has been signed digitally.

By order and in the name of Governor of Maharashtra.

(Bushra Zia Sayyed)
Solicitor-cum Joint Secretary to
Government of Maharashtra

Copy forwarded to:

1. All Additional Chief Secretaries/Principal Secretaries/Secretaries, Mantralaya, Mumbai.
2. The Registrar (Legal & Research), High Court, Appellate Side, Bombay.
3. The Joint Secretary, Law and Judiciary Department, 'A Branch/ 'M' Branch/ Nagpur/ Aurangabad.
4. The Deputy Secretary (Law), Office of the Chief Secretary, Mantralaya, Mumbai.
5. The Senior P.A. to Chief Secretary, Mantralaya, Mumbai.
6. All the Government Pleaders, High Court (O.S), (A.S), Writ Cell, Mumbai and benches at Nagpur & Aurangabad.
7. The Chief Presenting Officer, Maharashtra Administrative Tribunal, Mumbai/ Aurangabad/ Nagpur.
8. All the District Government Pleaders & Public Prosecutors.
9. Select File.